

## State Bar of California

### Letter from the Chair

**April 2003**

**David L. Teichmann**

**GRIC Communications, Inc.**

**Chair, Executive Committee**

Dear International Law Section Members,

Greetings to each of you on behalf of the Executive Committee of the International Law Section!

Global media coverage reminds us incessantly that we live in an increasingly interdependent, shrinking and sometimes chaotic world. Daily we witness the evolution and transformation of complex relationships among nations, cultures, religions and political belief systems. The formation and perpetuation of these relationships depends in part on a vast array of rules, guidelines and principles, many of which are legal in nature.

As lawyers interested in international matters, we have an opportunity, if not a duty, to become more knowledgeable about these intricate relationships, while striving to better understand the emerging roles of the individual, national and institutional actors on the international stage. Although many of us are principally commercial lawyers, public international legal issues are central to the global debate that will shape the future of the next generation.

Bar associations around the country will draw attention to lawyers and the role of law in May as Law Day is celebrated. What better time to share your enthusiasm for international law.

I encourage you during the weeks and months ahead to take a few moments with colleagues, friends, family and others in your community to engage in a discussion of international legal issues – especially with young people who will inherit the world we leave behind for them. The daily news is replete with such issues. No, you don't need to lecture them on principles of international jurisdiction and they most likely don't want to know about how arbitrators apply the concept of *ex aequo et bono*. But perhaps you can ask what someone thinks about the rule of law as a concept. Maybe someone will have an opinion about the role of the United Nations and whether it will change over the next decade.

If you find yourself struggling to start these conversations, maybe we can help. In our last newsletter, I pointed out that the core mission of the International Law Section is to deliver high quality education and networking opportunities to California-based practitioners interested in international legal issues. How do we do this? Through programs, membership outreach and publications, we provide education on private and public international legal matters.

For example, on May 16<sup>th</sup>, in cooperation with the American Corporate Counsel Association and the Business Law Section, we will offer a

fabulous full-day program in Palo Alto entitled "Structuring and Operating Business Ventures in the Middle Kingdom: Legal and Practical Strategies for Success in China." This summer and fall, our section is co-sponsoring programs in San Francisco with the ABA Section of International Law & Practice (August) and the International Bar Association (September). We will be offering ten mini-programs in Anaheim at the State Bar Annual Meeting in September. Locally, we continue to offer programs and lunch meetings together with ACCA chapters and county bar associations.

This year we had a record number of applicants apply to become members of our Executive Committee. We take this development as a sign of strong interest in international legal affairs and hope it symbolizes the vitality and enthusiasm of our Section's members. As you approach each day, we sincerely hope that you benefit from your association with the Section and that you are able to share your knowledge and insights with others in the extended community within which you live and work.

Sincerely,

David L. Teichmann  
Chair, ILS 2002-2003

## **UN INTERNATIONAL CRIMINAL TRIBUNAL UPDATE — RECENT RWANDA TRIBUNAL JUDGMENT**

By: Gregory Townsend, Esq.  
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On February 21, 2003, the United Nations International Criminal Tribunal for Rwanda (ICTR), sitting in Arusha, Tanzania, found a 78-year old Seventh-Day Adventist pastor and his 44-year old son, a medical doctor, both guilty of the crime of genocide. A three-judge panel, or Trial Chamber, composed of presiding judge Erik Møse from Norway, judge Andr esia Vaz from Senegal, and judge Navanethem Pillay from South Africa (ICTR president and recently elected judge to the International Criminal Court), convicted father and son, Elizaphan and G rard Ntakirutimana. The Tribunal found that in April 1994, the pastor transported in his vehicle machete-wielding attackers to his church complex, knowing that they would kill many of his own flock. At another church, the pastor ordered that the roof be removed and "facilitated the hunting down and the

killing of the Tutsi" men, women, and children seeking safety inside the church. The younger Ntakirutimana also was convicted of one count of crimes against humanity—murder for shooting in the chest several persons seeking refuge.

In this case, the Prosecutor secured a genocide conviction by proving that the defendants killed or aided killings with the special intent to destroy the Tutsi based on their ethnicity. The crime-against-humanity charge differs from genocide in that it does not require the same special intent but requires that the killing be part of a widespread or systematic attack against civilians on political, ethnic, or racial grounds. Proving the existence of widespread and systematic ethnic killings in Rwanda in 1994 actually should be the subject of judicial notice. During the genocide in Rwanda in 1994, according to some estimates, one million ethnic Tutsi and moderate Hutu were killed. On the ground throughout most of Rwanda, that translated to about 10,000 killings per day for 100 days in a row, a pace unequalled in history.

The pastor and son were acquitted on other counts, including "war crimes" or violations of Article 3 common to the four Geneva Conventions of 1949 applicable in internal armed conflicts. To date, the Prosecutor hasn't proved to the Tribunal's satisfaction that the killings were sufficiently linked to the internal armed conflict (between the Hutu-dominated Rwandan army and the then-rebel Tutsi forces of the Rwandan Patriotic Front) that overlapped with the genocide. Absent this essential element—a "nexus" to the armed conflict—the Tribunal has found the killings to constitute genocide and crimes against humanity, but not war crimes.

The procedural history of pastor Elizaphan Ntakirutimana's case started in the United States. From Rwanda, the pastor fled to Laredo, Texas, where he resided with another son. In 1996 in Laredo, the pastor was arrested and released, but then re-

arrested in 1998. Ramsey Clark, former U.S. Attorney General (under the Johnson administration), then privately retained, represented the pastor in his legal fight against being turned over to the Tribunal. The pastor almost walked free. In 1999, at a hearing in New Orleans before the U.S. Court of Appeals for the Fifth Circuit, one judge of the divided three-judge panel stated at the surrender hearing that his "radar" told him that Ntakirutimana was an innocent man. The same judge wrote in his concurring opinion that he was "persuaded that it is more likely than not that Ntakirutimana is actually innocent." Nevertheless, this judge cast his deciding vote to surrender the pastor to the Tribunal.

Clark had argued that the United States could not "extradite" Ntakirutimana to the Tribunal in the absence of a Senate-approved treaty between the United States and the Tribunal. The Fifth Circuit decision, however, upheld the surrender under a 1995 executive agreement between the United States and the Tribunal and a federal statute (a single line in the National Defense Authorization Act for Fiscal Year 1996) authorizing the "surrender" of accused persons from the United States to the Tribunal. The U.S. Supreme Court, on January 24, 2000, denied writ of certiorari, in effect affirming the Fifth Circuit's denial of the writ of habeas corpus and stay of surrender. This decision cleared way for then-Secretary of State Albright to give her final approval of the surrender. The pastor was transferred to the seat of the Tribunal in Arusha, Tanzania, on the very last day of the U.S. statutory period for surrender, March 24, 2000.

After being transferred to the Tribunal, the case of pastor Elizaphan Ntakirutimana was joined with that of his son G rard Ntakirutimana, who had been waiting more than three years for his trial since his arrest in Ivory Coast and subsequent transfer to the Tribunal on November 30, 1996. Los Angeles lawyer Edward Medvene was appointed to defend the younger Ntakirutimana. Due to health concerns, however, Medvene handed over the

### **GATS and Legal Services**

The American Bar Association Center for Professional Responsibility has just launched a webpage devoted to the issue of the GATS negotiations and legal services. [Http://www.abanet.org/cpr/gats/gats\\_home.html](http://www.abanet.org/cpr/gats/gats_home.html)

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case to Canadian defense lawyer David Jacobs to finish the trial.

At the Tribunal, Clark professed that his client was an innocent man and the subject of a conspiracy and propaganda campaign directed by the present Tutsi-led Rwandan government. The Tribunal specifically found that there was no evidence of any such thing. The Defense, in violation of the Tribunal rule requiring pre-trial notice of any alleged alibi, claimed an alibi (the "I-didn't-leave-my-home" alibi that has been attempted several times in Arusha) after the start of trial, but the judges didn't buy it.

The Ntakirutimana case inspired the title to Phillip Gourevich's 1988 book, *WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES*. During these same events, the Pastor's parishioners pleaded for his help in a letter with these same words. This letter was admitted into evidence at trial, being provided by Gourevich, and was cited by the Tribunal as showing the Pastor's authority within his community, an aggravating circumstance in sentencing.

The pastor, due to his being 78 years old and other mitigating circumstances, received a 10-year prison sentence. This is the Tribunal's lightest sentence handed down to date (including on guilty pleas), and the pastor already should have custody credit of nearly five years. His son received a 25-year prison sentence. The sentence of 10 years for genocide after trial for the pastor starkly contrasts to the maximum sentence of life after a guilty plea given to the former Rwandan Prime Minister Jean Kambanda in 1998.

Pastor and son likely will serve their prison sentences in Bamako, Mali. All convicts to date have been sent to Mali. The Tribunal has an agreement with Benin, Mali, and Swaziland for convicts to serve their sentences there. A fourth agreement should be

ratified soon by France, and other agreements are under negotiation with African and European countries.

Both Ntakirutimanas and the Prosecutor have appealed the judgment, and the case will go next to the Tribunal's Appeals Chamber that sits in The Hague, Netherlands. There is no statutory time limit for the appeal to be decided. The Tribunal, set up in 1996, as an *ad hoc* creation of the United Nations Security Council has been tasked to complete its work by 2008, a goal that will require an enormous increase in the present pace of trials. At seventeen months from start to judgment, the Ntakirutimana trial has been the fastest to date.

As of March 2003, the Tribunal is holding trials for 20 defendants and 31 others await trial. The defendants include the alleged ringleaders and "big fish" responsible for the genocide. To date, the Tribunal has completed trials for eight defendants, including one acquittal, and had three guilty pleas and one defendant die before trial. All defendants have claimed to be indigent and the Tribunal pays for a five-member defense team for each accused. All defendants were arrested outside of Rwanda. Several indicted persons remain at large. The U.S. "Rewards for Justice" program is paying a \$5 million reward to Angola, Democratic Republic of Congo, and Congo, following each of three recent arrests.

Some defendants awaiting trial have been in custody since 1998 although the Tribunal's statute provides that defendants shall be tried "without undue delay." To help expedite trials, the Security Council in August 2002 approved four additional *ad litem* judges, but these judges have not yet been elected. The Security Council did not grant the Tribunal's request for nine additional judges, the same number that arrived in 2001 to the sister International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, where President Slobodan Milosevic presently is being tried. It is

expected that the four additional judges should be installed at the ICTR this year. The two tribunals share a common Prosecutor, Carla Del Ponte from Switzerland, and Appeals Chamber. The Tribunal's annual budget is approximately \$100 million.

The Ntakirutimana judgment is available free on-line on the ICTR's website: [www.ictr.org](http://www.ictr.org).

*Mr. Townsend, a member of the California Bar and International Law Section hailing from Los Angeles, is a Prosecutor at the U.N. International Criminal Tribunal for Rwanda (ICTR). The views expressed are not necessarily those of the United Nations, the ICTR, or the Office of the Prosecutor.*

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## **NEW MEASURES FOR FOREIGN IN- VESTMENT IN FTCs IN CHINA**

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The Ministry of Foreign Trade and Economic Cooperation ("MOFTEC") recently issued Interim Measures on the Establishment of Chinese-foreign Joint Venture Foreign Trade Companies ("Interim Measures"), which further remove some of the earlier restrictions on foreign investment in domestic foreign trade companies (generally known as "FTCs"). With the promulgation of the Interim Measures, which repealed the 1996 temporary regulations on pilot Sino-foreign joint venture trade corporations, foreign investors may invest in foreign trade joint ventures anywhere in China, and not only in Shenzhen and Shanghai's Pudong New Development Area, as was previously the case. Foreign investors are allowed to own between 25 and 49 percent of the registered share capital of the joint ventures.

The Interim Measures require the foreign investors to have attained over US\$30 million in trade with China each year on the average for three consecutive years, or US\$20 million if the joint ventures will be established in China's less developed provinces or autonomous regions in Central and Western China. On the other hand, the Chinese partner must have foreign trading rights and an average annual volume of import and export business of over US\$30 million within the three years prior to the application. In contrast, under the 1996 temporary regulations, the Chinese partner must have an average annual foreign trade volume of over US\$200 million with export volume of no less than US\$100 million in the three

years prior to the application.

Further, a joint venture foreign trade corporation must have a registered share capital of no less than RMB50 million yuan, or RMB30 million yuan for Central and Western regions, as opposed to a much higher requirement of RMB100 million yuan under the 1996 temporary regulations.

Upon obtaining approval from MOFTEC and undergoing registration and post-registration procedures, the joint venture can be set up to undertake the import and export of goods, technology and relevant services either for itself or on behalf of customers within the approved business scope, and operate domestic wholesale business of the commodities imported by the company.

The Interim Measures came into effect on 3 March 2003.

*The statements and opinions herein are those of the contributors unless otherwise stated, and not necessarily those of The State Bar of California, International Law Section, or any government body.*

## **GOODBYE INS, HELLO . . . ?**

### **The restructuring of the Immigration & Naturalization Service**

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March 1, 2003 heralded in a major change in the U.S. immigration system that ended the Department of Justice's reign over immigration in this country and started the reign of the Department of Homeland Security (DHS). That day, the Immigration & Naturalization Service or "INS", ceased to exist and was replaced by three different bureaus, all under the auspices of the DHS.

These three bureaus are the Bureau of Citizenship & Immigration Services (BCIS), the Bureau of Immigration and Customs Enforcement (BICE) and the Bureau of Customs and Border Protection (CBP). Each will be explained in greater detail below.

These bureaus were formed by dividing the INS into separate adjudication (benefits) and enforcement branches.

BCIS is made up of approximately 15,000 employees and contractors headed by a director who reports to the Deputy Secretary for Homeland Security. The services provided by BCIS include: the adjudication of family and employment-based petitions; issuance of employment authorization documents, asylum and refugee processing; naturalization; and implementation of special status programs such as Temporary Protected Status.

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The DHS spent significant resources on reassuring all employees of the vast new government department as well as the millions of people who have either received or are waiting for benefits from the former INS, that it would be business as usual despite the elimination of the INS. While former INS employees now ultimately report to new bosses, from the point of view of the applicant applying for immigration benefits, the most noticeable change is writing out checks for fees to the Department of Homeland Security rather than to the INS.

Thankfully, restructuring does not include repapering and all foreigners currently in possession of documents issued by the INS that refer to the INS or Department of Justice should be assured that this documentation remains valid. Among the reassurances the DHS gave were that:

Official forms and documents issued by the former INS are still valid and will continue to be accepted by BCIS and other agencies as evidence of status in the United States.

BCIS local offices will remain at existing INS locations, including student visa Application Support Centers and Service Centers. There will be no immediate change in office locations.

Forms should continue to be mailed to the address indicated in forms and notices.

The National Customer Service Call Center will continue to be available at 1-800-375-5283, or for the hearing impaired at 1-800-767-1833.

Customers will still be able to download forms and check the status of their case online (for cases pending adjudication at Service Centers). The new web address for BCIS will be [www.immigration.gov](http://www.immigration.gov)

BCIS now administers immigration benefits while the other INS functions have been incorporated into BICE

and BCBP.

BICE brings together approximately 14,000 employees including the investigative and interior enforcement functions of the INS, U.S. Customs Service, and the Federal Protective Services. This Bureau also includes Customs air and maritime assets. By unifying the investigative functions of several agencies, BICE will strengthen the Federal government's ability to carry out an effective, comprehensive interior enforcement strategy.

BCBP consists of approximately 30,000 employees, including inspectors from the Agricultural Quarantine Inspections, INS, and U.S. Customs, and the Border Patrol. This Bureau focuses its operations on the movement of goods and people across our borders, ensuring consistent inspection procedures and coordinated border enforcement.

Underlying the restructuring of the INS is the need to provide increased security to the U.S. The DHS realizes the debacle in the aftermath of September 11, 2001 when the INS issued approval notices to two dead terrorists, cannot be repeated.

*For more information about the topic of this update or for immigration law matters in general, please contact Marlene Stanger, an attorney of the law firm of HirsonWexlerPerl, a firm that specializes in Immigration and Naturalization Law.*

## **LIBERALIZATION OF INDIA'S FOREIGN EXCHANGE REGULATIONS— Deadline June 30, 2003**

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India is transforming from a controlled economy to a deregulated and liberalized one. By continuing its liberalization policy and, from time to time, introducing various foreign exchange reforms, India is attracting renewed interest from foreign investors. The Reserve Bank of India ("RBI") has, recently, introduced the following relaxations to exchange control regulations.

### *Acquisition of foreign securities by resident individuals under an ESOP Scheme*

Previously, a resident individual, who was an employee or a director of an Indian office, branch, or subsidiary of a foreign company, could remit up to US\$ 20,000 in a calendar year for purchase of equity shares offered by the foreign company under an Employee Stock Option ("ESOP") Scheme. The RBI has now dispensed with the limit of US\$ 20,000 for purchase of shares of a foreign company under an ESOP Scheme by a resident individual. However, the remaining conditions (reproduced for ready reference) remain.

- The shares under an ESO scheme must be offered at a concessional price; and
- The foreign company's shareholding in the Indian company must not be less than 51%.



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This relaxation will remain in effect until June 30, 2003.

***Retention of proceeds of ADR/GDR issues abroad***

Indian companies are now allowed to retain their foreign currency funds raised through ADR/GDR issues abroad for any period to meet their future foreign exchange requirements. Pending repatriation or utilization of such funds, Indian companies may invest such funds in the following:

- Deposits, Certificates of Deposits or other products offered by banks who have been rated not less than AA(-) by Standard & Poor / Fitch IBCA or Aa3 by Moody's;
- Deposits with foreign branches of Indian authorized dealers; and
- Treasury bills and other monetary instruments of 1 year maturity having a minimum rating as above.

Indian companies availing themselves of the aforesaid facility will have to report the details of funds raised and retained abroad to the RBI within 30 days from the closure of the issue. This benefit is available until June 30, 2003.

***External Commercial Borrowings***

Indian companies that have raised debt abroad are now allowed to keep such funds abroad, provided they comply with the following conditions:

- The moneys in the account are used only for the purpose for which the loan is raised.
- Payments to overseas suppliers, if any, are made against usual import documents, including a Bill of Lading/Airway Bill, and documentary evidence in support of imports to India is submitted to the concerned regional office of RBI along with Form ECB2, duly certified by a Chartered Accountant.
- Deposits held abroad are not utilized for any fund based or non-fund based facilities in India.

The overseas account should be closed as soon as the foreign exchange requirements are met, and any unspent balance should be repatriated to India.

Account details have to be submitted to the concerned regional office of the RBI within 8 days of opening the account. Further, details of balances held abroad should also be reported to the RBI. The foregoing relaxation will remain in force until June 30, 2003.

***Overseas investments by resident Indians***

Resident Indians were not allowed to make investments in foreign equities (equities of companies registered outside India), except by way of setting up joint ventures or wholly owned subsidiaries abroad. However, the RBI has now decided to permit Indian resident individuals as well as listed Indian companies to invest in shares of foreign companies, provided the foreign company:

- is listed on a recognized stock exchange, and
- holds at least 10% shares of an Indian company, which is listed on a recognized stock exchange in India.

In case of resident Indian individuals, no ceiling has been prescribed for making investments in foreign companies that satisfy the foregoing conditions. However, a listed Indian company cannot invest more than 25% of its net worth as at the date of its latest audited balance sheet. The anomaly is that only listed Indian companies can make investments in foreign equities. Private companies are not so permitted.

Prior to this, mutual funds could ONLY invest up to US\$ 500 million in ADRs or GDRs of Indian companies as well as rated debt instruments. Now, even mutual funds can invest in foreign equities, provided the foreign company satisfies the foregoing con-

ditions. The monetary limit of US\$ 500 million has been enhanced to US\$ 1 billion, and mutual funds can make such investments after obtaining the RBI and Securities Exchange Board of India ("SEBI") permission.

This relaxation is available until June 30, 2003.

***Acquisition of immovable property outside India***

Indian corporates who have set-up offices abroad can acquire immovable property outside India for business purposes as well as for their resident staff's needs, provided they obtain the RBI's prior permission. This relaxation is available until June 30, 2003.

***Remittance of funds from NRO accounts***

Last year, the RBI allowed repatriation of funds held by non-resident Indians ("NRIs") or Persons of Indian Origin ("PIOs") in their Non-Resident Ordinary Rupee ("NRO") accounts for the following purposes:

- Education expenses of their children upto US\$ 30,000 per academic year.
- Medical expenses of the account holder or his family members upto US\$ 10,000.
- Sale proceeds of immovable property held for a period of not less than 10 years, subject to the payment of applicable taxes, up to US\$ 100,000 in one calendar year.

The RBI has now done away with the amount differences in different categories and has prescribed a uniform limit of US\$ 1 million per calendar year for remittance out of balances held in NRO accounts or from sale proceeds of immovable property. This benefit will be available until June 30, 2003.



International Law Section welcomes International Bar leaders to San Francisco. Pictured in the San Francisco offices of Buchalter Nemer Fields and Younger are (from left) Bruce Boyd, Treasurer of the International Law Section; Alan M. Kindred, U.S. Country Representative of the International Bar Association for the Western United States and Advisor to the International Law Section; Fernando Pelaez-Pier, Chair of the Section of Business Law of the International Bar Association from Venezuela; Mr. Tim Hughes, Director of Marketing of the IBA and Ms. Annie Dunster of the IBA. The IBA will hold its SBL Conference in San Francisco from September 14-19, 2003. Members of the State Bar of California can register at the IBA member rate. See [www.ibanet.org](http://www.ibanet.org) for information.

# CALIFORNIA LEGAL SPECIALIST EXAMINATION FACT SHEET

<b>FOR REGISTRATION FORM</b>	GO TO <a href="http://WWW.CALIFORNIASPECIALIST.ORG">WWW.CALIFORNIASPECIALIST.ORG</a> <i>or</i> CALL: (415) 538-2120 FAX: (415) 538-2180 E-MAIL: <a href="mailto:legalspecialist@calbar.ca.gov">legalspecialist@calbar.ca.gov</a>
<b>AREAS OF SPECIALIZATION</b>	APPELLATE LAW BANKRUPTCY LAW (PERSONAL & SMALL BUSINESS) CRIMINAL LAW ESTATE PLANNING, TRUST & PROBATE LAW FAMILY LAW IMMIGRATION & NATIONALITY LAW TAXATION LAW WORKERS' COMPENSATION LAW
<b>DATE</b>	SUNDAY, AUGUST 17, 2003
<b>TIME</b>	8:00 A.M. TO 5:00 P.M. (INCLUDING REGISTRATION)
<b>LOCATION</b>	WESTIN HOTEL AT SAN FRANCISCO AIRPORT RADISSON HOTEL AT LOS ANGELES AIRPORT
<b>REGISTRATION</b>	\$200.00 \$250.00 (TYPING*)  *includes typewriters, word processors and laptop pc's
<b>DEADLINE TO APPLY</b>	JULY 3, 2003





**State Bar of California  
International Law Section**

*Presents*



***Structuring and Operating Business  
Ventures in the Middle Kingdom:  
Legal and Practical Strategies for Success in China***

**Friday, May 16, 2003  
Sheraton Palo Alto Hotel  
Palo Alto, California**

**In Cooperation With:  
The American Corporate Counsel Association  
(San Francisco Bay Area Chapter)  
Business Law Section, State Bar of California**

**8 Hours MCLE**

The statistics on China are impressive: it's the world's most populous country and biggest market, with an inexpensive labor market that demands wages less than 5% of those in the U.S. A recent U.N. report indicates China is expected to become the top recipient of foreign direct investment, overtaking the U.S. Doing business with China is an opportunity too good to miss.

**Focus:** How businesses and their legal counsel can navigate the complex corporate, business, tax and regulatory legal issues associated with doing business in Mainland China. Speakers will provide strategies for maximizing the economic success of business initiatives in China as well as methods for repatriating funds and considered exit strategies.

**Who Can Benefit:** Business development, marketing and other senior executives in technology-based and non-technology-based companies; in-house corporate, intellectual property, tax, and international counsel doing business in Mainland China; attorneys and other professionals working in the international arena in Asia; business and corporate lawyers who seek to understand the economic structure of China.

**Keynote speaker:** **The Honorable Wang Yunxiang**, Consul General of the People's Republic of China in San Francisco.

**Moderators and panelists:** Experts from Beijing, Hong Kong, Taipei and the United States will serve as moderators and panelists for the sessions. Their affiliations include: The University of Hong Kong, Asian Institute of International Financial Law; Deloitte Touche; Heller Ehrman White & McAuliffe; King & Wood; Lee & Li; Morrison & Foerster; and Squire, Sanders & Dempsey; among others.

**Registration Fee:** \$295 for Members of the International Law Section (ILS) and the Business Law Section (BLS) of the State Bar of California and the American Corporate Counsel Association; \$345 for non-members (fee includes membership in the ILS); \$125 for full time government/ academic; \$75 for students. Fee includes the conference, program materials, continental breakfast, luncheon, refreshments and reception.

## **The Conference Program**

- 7:30 – 8:30 a.m.**      **Registration; Continental Breakfast**
- 8:30 – 8:35 a.m.**      **Welcome - David Teichman, Chair, Executive Committee of the International Law Section, GRIC Communications;**  
**Tim Hoxie, Chair, Executive Committee of the Business Law Section,**  
**Heller Ehrman White & McAuliffe, Menlo Park**
- 8:35 – 8:45 a.m.**      **Overview of Conference Sessions; Thanks to Sponsors**  
**Lucas S. Chang, Conference Chair**  
**Heller Ehrman White & McAuliffe, Menlo Park**
- Session 1**  
**8:45 – 9:10 a.m.**      **Review of China's Political Economy**  
**Jing Huang, Asian/Pacific Research Center, Stanford University,**  
**Palo Alto**
- Session 2**  
**9:10 – 10:10 a.m.**      **Financing, Banking, and Securities Regulations and Markets**  
**Moderator: Xiao Ming Li, King and Wood, Beijing**  
**Panelists: Lawrence Liu, Lee & Li, Taipei;**  
**John Lo, Squire, Sanders & Dempsey, Hong Kong;**  
**Da Gang Chen, China Securities Regulatory Commission, Beijing**  
**(invited)**
- 10:10 – 10:20 a.m.**      **Break - Refreshments**
- Session 3**  
**10:20 – 11:30 a.m.**      **Corporate Partnering; Joint Ventures; Cross-Border M&A's**  
**Moderator: Carson Wen, Hong Kong**  
**Panelists: Don Lewis, University of Hong Kong, Hong Kong;**  
**Xiao Yang Li, King and Wood, Beijing;**  
**Dan Ping Mu, World Heritage Foundation, Beijing and Los Angeles**
- Session 4**  
**11:30 – 12:30 p.m.**      **U.S. and China Tax Structuring and Planning**  
**Moderator: Lili Zheng, Deloitte Touche, San Jose**  
**Panelists: Albert S. Golbert, Golbert & Associates, Los Angeles;**  
**Andrew Zhu, Deloitte Touche, San Jose**

## **The Conference Program**

(continued)

### *Luncheon and Keynote Speaker*

**12:30 – 2:00 p.m.**

**The Honorable Wang Yunxiang**

*Consul General of the People's Republic of China in San Francisco*

### **Session 5**

**2:00 – 3:00 p.m.**

**Development, Manufacturing and Distribution in China**

**Moderator:** Don Lewis, *University of Hong Kong, Hong Kong*

**Panelists:** Nitaya Yamamoto, *Solelectron Corporation, Milpitas;*

Bo-sen Von, *Lee & Li Business Consulting, Shanghai*

**3:00 – 3:10 p.m.**

***Break - Refreshments***

### **Session 6**

**3:10 – 4:10 p.m.**

**Utilizing Resources of the Greater China**

**Moderator:** Lawrence Liu, *Lee & Li, Taipei*

**Panelists:** Kalley Chen, *King & Wood LLP, Fremont;*

Bo-sen Von, *Lee & Li Business Consulting, Shanghai;*

Carson Wen, *Hong Kong*

### **Session 7**

**4:10 – 5:20 p.m.**

**Revenue Repatriation, Insolvency and Exit Strategies**

**Moderator:** Charles Booth, *University of Hong Kong, Hong Kong*

**Panelists:** Don Lewis, *University of Hong Kong, Hong Kong;*

Steven L. Toronto, *Morrison Foerster, Beijing;*

Andrew Zhu, *Deloitte Touche, San Jose*

**5:20 – 5:45 p.m.**

**Questions and Answers; Wrap-Up**

**Bruce Boyd, Conference Co-Chair**

*Alliance of Asian American Associations*

**5:45 – 7:00 p.m.**

***Hosted Reception***

# REGISTRATION FORM

The International Law Section of the State Bar of California

Structuring and Operating Business Ventures In the Middle Kingdom

**May 16, 2003**

**Note:** One registrant per form. Photocopies may be used.

Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address \_\_\_\_\_

## Registration Fee:

- ☐ International Law Section Members . . . . . \$240  
Business Law Section Members  
American Corporate Counsel Association  
☐ Full-time Government Employee or Academic. . . . . \$125  
☐ Student . . . . . \$ 75  
☐ Non-Section Members. . . . . \$300  
\$60 will be allotted for a 2003 International Law Section Membership

Amount Enclosed/To Be Charged: \$ \_\_\_\_\_

\_\_\_\_\_  
Your form and check, payable to The State Bar of California, or credit card information must be received by May 7, 2003. On site registration is limited and subject to availability.  
\_\_\_\_\_

## Credit Card Information (VISA/MASTERCARD ONLY)

I authorize the State Bar of California to charge my program registration to my Visa/MasterCard account.

**(No other credit card will be accepted.)**

Account Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

## REGISTRATION INFORMATION

**Date and Location:** May 16, 2003. Sheraton Palo Alto Hotel. 625 El Camino Real, Palo Alto CA 94301. Directions can be found at:  
<http://www.noycefdn.org/locations/sheratonpa.htm>

**Accommodations:** If you plan on staying at the Sheraton Palo Alto on the night of May 15, 2003, please call the hotel directly at 650.328.2800.

**Deadline for Registration:** In order to pre-register, your registration form and check, payable to the State Bar of California, or credit card information must be received by **May 7, 2003**.

**Mail To:** Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105

or

**Fax To:** Program Registrations at 415.538.2368. In order to fax your registration, credit card information is MANDATORY (VISA or MASTERCARD only)

**Cancellations/Refunds:** Cancellations and requests for refunds must be received in writing by May 7, 2003. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

**On-Site Registration** is limited and subject to availability. Please register in advance.

**No Confirmation Letter** will be sent. You must check in at the Registration Desk before the program.

**Special Assistance:** For special assistance, please call 415.538.2468; for TDD speech and hearing impaired, please call 415.538.2231.

**Questions:** For registration information, please call 415.538.2508. For information regarding the program please call 415.538.2380.

**Audio Cassettes:** Cassettes will be available for purchase after the program by calling the Versa-Tape Company at 800.468.2737.

**The State Bar of California Section Education & Meeting Services**  
is a State Bar of California approved MCLE provider.



## ***International Law Section Calendar***

**May 7-10, 2003**—American Bar Association, International Law & Practice Section—Spring Conference “*Practicing Law—Inescapably Global*”, Mayflower Hotel, Washington, DC, up to 24 CLE credits, including some ethics. Early bird registration by April 21. [www.abanet.org/intlaw](http://www.abanet.org/intlaw) or contact Section Hotline at (202) 662-1660 or [intlaw@abanet.org](mailto:intlaw@abanet.org)

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**May 16, 2003** — State Bar of California, International Law Section present “*Doing Business in the Middle Kingdom: Legal and Practical Strategies in China for the 21st Century*”, Palo Alto, California.

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**June 25-27, 2003**—U.S. Navel War College Annual Conference: “*Current Issues in the Law of Armed Conflict*”, Newport, Rhode Island. Contact Dennis Madsager, Email: [mandsagd@nwc.navy.mil](mailto:mandsagd@nwc.navy.mil). (401) 841-4949. [www.nwc.navy.mil/ild/LOAC%80Conference.htm](http://www.nwc.navy.mil/ild/LOAC%80Conference.htm)

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**August 8-12, 2003** - American Bar Association, International Law Section Annual Meeting San Francisco, California [www.abanet.org/intlaw/home.html](http://www.abanet.org/intlaw/home.html)

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**September 4-7, 2003** — State Bar Annual Meeting, Anaheim, California [www.ibanet.org](http://www.ibanet.org)

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**September 14-19, 2003** - International Bar Association Conference - San Francisco, California, [www.ibanet.org](http://www.ibanet.org)

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**October 8-11, 2003** — American Corporate Counsel Association Annual Meeting, San Francisco, California

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## **PLEASE LET US KNOW YOUR INFORMATION!**

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In order to receive International Law Section new information and updates (via email), please complete and return this form. Your email address may not be current in the State Bar records.

Please fax back this form.

Many thanks from the International Law Section Executive Committee.

Name \_\_\_\_\_

Bar Number \_\_\_\_\_

Please update my official membership record:

Email Address \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Return by fax to:

International Law Section  
(415) 538-2368

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## CALL FOR ARTICLES

The Editors of this newsletter are inviting members of the Section and others to submit articles relating to international issues.

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The Editors reserve the right to edit articles for reasons of space or for other reasons to decline to print articles that are submitted. We will consult with authors before any editing.

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## JOIN US!

For those of you who are not yet members, the California International Law Section invites you to join us now. Take advantage of the MCLE programs and the free publications. Take advantage of the opportunities to recommend topics and/or speakers for Section programs, to contribute articles and/or ideas for articles to Section publications, and to meet with foreign lawyers.

DUES: \_\_\_\_\_ United States \$60  
\_\_\_\_\_ Law Students in U.S. \$25  
\_\_\_\_\_ Outside the U.S. \$90

### COPY AND MAIL TO:

The State Bar of California  
Program Registration  
80 Howard Street  
San Francisco, CA  
94105-1639

### OR FAX TO:

415/538 2368  
(credit card pay-  
ments only)

The dues include a yearly subscription to the *California International Law Newsletter*, *The California International Practitioner* and admission to Section programs and events at discounted prices. There are no prerequisites to membership; all interested attorneys, non-attorneys, law professors and law students are invited to enroll. For further information, please telephone the International Law Section administrative staff at the State Bar of California, (415) 538-2380.

State Bar Membership Number (if applicable) \_\_\_\_\_

Name \_\_\_\_\_

Fir Name \_\_\_\_\_

Address \_\_\_\_\_

City & Zip \_\_\_\_\_

Phone \_\_\_\_\_ Facsimile \_\_\_\_\_

Email \_\_\_\_\_

\_\_\_\_ Enclosed is my check for my annual Section dues payable to The State Bar of California. (Your cancelled check is acknowledgement of membership.)

If paying by credit card : (MasterCard or Visa ONLY)

Account Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Cardholder's Name \_\_\_\_\_

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